



CALIFORNIA STATE BOARD OF EDUCATION

MAY 2004 AGENDA

☒ Specific Waiver

SUBJECT Request by Fillmore Unified School District to waive <i>Education Code</i> (EC) Section 49550, the State Meal Mandate during the Summer School Session. Waiver Number: 9-3-2004	<input checked="" type="checkbox"/> Action
	<input type="checkbox"/> Consent

RECOMMENDATION-

☒ Approval ☐ Approval with conditions ☒ Denial

That Sespe Elementary School be recommended for approval, and that Fillmore Middle School be recommended for denial.

SUMMARY OF PREVIOUS STATE BOARD OF EDUCATION DISCUSSION AND ACTION

Waivers of this type must go to the State Board of Education Action Calendar

SUMMARY OF KEY ISSUES

Education Code (EC) Section 49550 states that each needy child who attends a public school be provided a nutritionally adequate free or reduced-price meal every school day. The following districts have requested a waiver of EC Section 49550 for the summer of 2004, and have certified their compliance with all required conditions necessary to obtain a waiver.

EC Section 49548 allows a waiver of EC Section 49550 during summer school if the district seeking the waiver has met *at least two* of the following four criteria:

Criteria One:

- The summer school session is of less than four hours duration and is completed by noon, allowing pupils to go home during the lunch period.

Criteria Two:

- Less than 10 percent of needy pupils attending the summer school session are at the schoolsite for more than three hours per day.

Criteria Three:

- A Summer Food Service Program for Children site is available within the school attendance area.

Criteria Four:

- Serving meals during the summer school session would result in a financial loss to the school district, documented by the district, in an amount equal to one-third

of the food service net cash resources or, if those cash resources are nonexistent, an amount equivalent to one month's operating costs.

This district does **meet two of the four criteria at Sespe Elementary School** and this site should be granted approval.

However Fillmore Middle School, in the Fillmore Unified School District, does not meet any of the four criteria. Their summer school session is:

- Not completed by noon, nor is the school session less than four hours. The session is 6 hours and 24 minutes long.
- Although the district has indicated that not all children remain on-site for more than three hours, they did not provide any documentation to support this statement;
- There is no Summer Food Service Program for children within the attendance area of the school site; and
- The district has not indicated that it will suffer a financial loss equal to one-third of the cafeteria balance or a loss equal to one months costs.

On March 2, 2004, Fillmore Unified School District's waiver was received and reviewed by the California Department of Education (CDE). During the review process, it was noted that none of the criteria were being met at Fillmore Middle School. CDE staff contacted Barbara Spieler, Business Manager for the Fillmore Unified School District and explained the waiver process and how each criteria was not being met at Fillmore Middle School. The agency has indicated that it wishes to appear before the State Board of Education and appeal Nutrition Services Division's recommendation for Fillmore Middle School. The district wishes to explain the extenuating circumstances in their district that necessitate an approval at this site.

Authority for the Waiver: *Education Code (EC) Section 49548.*

Bargaining unit(s) consulted on date(s): Not required for summer school waivers.

Position of bargaining unit(s) (choose only one): Not required for summer school waivers.

☐

Neutral

☐

Support

☐

Oppose

Local Board Approval date: 2/17/04

Period of Request: 6/10/04 to 7/9/04

BACKGROUND INFORMATION

Action Item: Some documentation is available for web viewing. Waiver forms and other hard copy documents are available for viewing at the Waiver Office or State Board Office.